

Date: June 11, 2009

To: Jacob Lieb, SCAG Manager of Assessment, Housing and EIR

Subject: Orange County Technical Comments on SCAG's Draft Framework and Guidelines for Development of a Subregional Sustainable Communities Strategy

Introduction:

At the SCAG Subregional Coordinators meeting of June 2, 2008, the Southern California Association of Governments (SCAG) extended an opportunity for its subregional representatives to review and provide technical input on a draft outline of chapters that would form the framework of SCAG guidelines for its subregions to develop a subregional Sustainable Communities Strategy (SCS) (Exhibit A). This item was further agendaized at the SCAG Plans and Programs Technical Advisory Committee Subcommittee meeting of June 10, 2009.

The comments below, and as verbally and conceptually presented at the 06/10/2009 P&P TAC Subcommittee meeting, represent initial thoughts as discussed by technical staff representatives of the Orange County Council of Governments (OCCOG), Center for Demographic Research at CSUF (CDR) and the Orange County Transportation Authority (OCTA). As promised, the comments presented at the 06/10/2009 meeting have been prepared in written format.

We hope these initial thoughts and questions serve to provide a starting point of discussion on the degree of information that would be beneficial for inclusion in the proposed Guidelines.

At its most basic and elemental purpose, the input serves to identify questions that we would recommend be addressed in the Guidelines. The resulting information will greatly assist in explaining the full breadth of responsibilities that any subregion would need to undertake, should it elect to prepare its own Sustainable Communities Strategy/Alternative Planning Strategy.

The responses to these questions (i.e., the resulting SCAG Guidelines) will hopefully assist subregions in assessing the staffing, funding, and technical tools and resources needed to undertake development of this new opportunity of developing a subregional Sustainable Communities Strategy. The responses will also assist in understanding the type and degree of information that needs to be collected among its stakeholders in the development, adoption, and future monitoring responsibilities of a subregional Sustainable Communities Strategy, and in responding to inquiries from our stakeholders on same.

We greatly appreciate the opportunity to provide the technical comments below, and have attempted to arrange their presentation in alignment with the draft outline of chapters provided in Exhibit A. We also look forward to participating in the further discussion of the draft Guidelines at the SCAG Subregional Coordinators meeting of June 30, 2009.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Gail Shiomoto-Lohr', with a stylized flourish at the end.

Gail Shiomoto-Lohr, Mission Viejo Consultant to the OCCOG

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Initial Orange County Technical Input to SCAG's Draft Framework and Guidelines for SCAG Subregional Development of a Subregional Sustainable Communities Strategy

I. Subregional Process

A. Subregional Targets

1. Describe the methodology that takes the SCAG MPO target for greenhouse gas (GHG) emissions reduction, and distributes this regional target down to the subregional level.
 - a. Further discuss the methodology to be approved by the California Resources Board in taking the State of California GHG emissions reduction target and distributing this statewide target down to the MPO level.
 - b. Further discuss if the methodology to allocate the statewide target to the MPO-level, is consistent with the methodology that SCAG proposes to use to take its MPO target and allocate said target among its 14 subregions.

If not in alignment, explain why not.

[Also, will there be repercussions if the two methodologies are not in alignment?]

2. Explain if the subregional targets are mandatory or guidelines. Does a subregion need to meet its assigned subregional target, or do the targets represent a good faith effort?
3. Describe the breadth of elements that will be eligible to count towards meeting a subregion's GHG emissions reduction target:

- a. Land use changes
- b. Policies
- c. Transportation improvement investments
- d. Other measures:
 - (1) Transportation Demand Management (TDM) Strategies
 - (2) Transportation System Management (TSM) Strategies
 - (3) Congestion pricing strategies
 - (4) Other technologies and measures

4. For the eligible elements that a subregion proposes to be used achieve a subregion's GHG emissions reduction target, also describe the timeframe and eligibility factors of each of the elements, to be able to count towards emissions reductions.
 - a. For example, does a land use change need to have a General Plan Amendment or Zone Change completed by a certain point in time, or does the land use need to be available for occupancy (i.e., constructed) by a certain point in time?

- b. Does a transportation investment need to be programmed in an RTIP by a certain point in time, or does the transportation investment need to be constructed by a certain point in time?
5. Describe how each of the eligible elements to reduce GHG emissions would be quantified, to determine if and how much each element contributes towards a subregion's GHG emissions reduction.
 - a. Discuss if it is the responsibility of SCAG or the subregion to quantify the emissions target reductions of the elements of a subregional SCS, and the associated requirements of having the tools to quantify and conduct the modeling of the emissions reductions of the SCS elements.
 - b. Discuss how interregional trips across subregions will be counted towards the contribution of greenhouse gas emissions to a particular subregion.
 - c. Discuss how interregional improvements across subregions will be credited towards the reduction of greenhouse gas emissions to a particular subregion.
6. Discuss the liability/repercussions/penalties if a subregion cannot meet its assigned subregional target.
7. Discuss whether a subregion can submit a subregional Alternative Planning Strategy (APS) in lieu of a subregional Sustainable Communities Strategy, if the assigned subregional GHG emissions reduction target cannot be met by a subregion, even with good faith effort.
8. Within the subregion, identify who has the authority to approve and submit a subregional Sustainable Communities Strategy or Alternative Planning Strategy. Is it the subregional council of governments/association? Is it the county transportation commission? Is it a shared approval and submittal responsibility between the subregional council of governments and county transportation commission?
9. Once a subregional SCS/APS is submitted to SCAG, describe the process and authority of SCAG in accepting, modifying, and rejecting a subregional SCS/APS when SCAG develops and adopts a regional SCS/APS. Does SCAG have an override authority to change any elements of a subregional SCS, including any specific elements of the land use and transportation components?

B. Subregional Role/Workshop Process

1. SCAG is required to develop a Public Participation Plan for the region's Sustainable Communities Strategy development (Government Code Section 65080(b)(2)(E)).
 - a. What is the timeframe for SCAG's development of a Public Participation Plan for SCS development?
 - b. Will SCAG's SCS Public Participation Plan address subregional responsibilities for public participation, or does each subregion need to independently develop and adopt a subregional Public Participation Plan for its subregional SCS/APS?

- c. What are the responsibilities that a subregion will need to execute to fulfill the Public Participation Plan component? Will a subregion need to:
 - (1) Set up and conduct workshops with all stakeholders in its subregion? If so, how many required workshops?
 - (2) Prepare and post public notices and meet public hearing requirements?
 - (3) Maintain legal records of the workshops (i.e., recording secretary, official meeting minutes, transcripts of proceedings)?
- d. Will SCAG staff be at the subregional workshop meetings as a co-sponsor or as support, or will it be the responsibility solely of the subregion?

C. Subregional Sustainable Communities Strategy/Alternative Planning Strategy

- 1. If a subregion elects to prepare a subregional Sustainable Communities Strategy, describe what a subregion will need to submit to SCAG as the elements of its subregional SCS.
- 2. Does a subregional SCS include:
 - a. A land use database, and if so, what does the dataset consist of?
 - (1) Specific variables (describe what variables). Also, are the dataset variables socioeconomic-based (i.e., population/households/employment) or land-use based (i.e., housing units by type, specific acreage or square footage of non-residential development)
 - (2) At what level of geography would the variables need to be collected at?
 - (a) Census tract/SCAG traffic analysis zone?
 - (b) SCAG 5-acre grid cell?
 - (c) Other?
 - (3) What projection years does the database need to be collected at?
 - (a) Year 2020?
 - (b) Year 2035?
 - (c) The existing and all five-year projection years of the 2012 RTP?
 - b. Specific transportation improvements and strategies for the subregion?
 - c. For the land use strategies, what is the eligible timeframe and action? For example, is the emphasis on when General Plan Amendments and zoning is completed, or when the specific development represented in the SCS is built and on the ground?
 - d. For the transportation investments and strategies, is the emphasis on when the transportation improvement or investment is approved in an RTP or RTIP, or when it is a completed improvement or an operating strategy?

- e. How should a subregion account for, and receive credit, for activities already completed that meet SCS goals to reduce greenhouse gas emissions from passenger vehicles, both from a land use and transportation investment perspective?
 - f. For any of the eligible components of a subregional SCS, are there specific commitments or resolutions of actions that the subregional members need to execute, to commit to the implementation of the land use strategies and transportation investments identified in a subregional SCS? For example, do cities and counties need to execute amendments to its General Plans or zoning to reflect the land uses in an adopted SCS, and by a specific timeframe?
 - g. If a subregion submits its variables for the SCS database as outlined in the Guidelines, could SCAG substitute the locally-submitted variables, depending upon what modeling capabilities are operational and effective at the time of SCS development?
 - h. If a subregion has the capabilities, can a subregion conduct the modeling and GHG emissions reductions of its subregional SCS?
3. What is the binding nature of a subregional SCS?
- a. As noted above, will cities and counties be expected to adopt General Plan Amendments and Zone Changes on parcels of land affected by the SCS?
 - b. At what geographic level will an SCS be adopted and applied for the purposes of consistency? Is it at a regional level? Subregional level? Census tract level?
 - c. SB 375 requires transportation projects to be consistent with an adopted SCS. Describe what such consistency means. If a specific transportation project is included in the transportation component of a subregional SCS, is that satisfactory to meet the definition of consistency, or are there other elements to be considered?
4. Regional Housing Needs Assessment (RHNA) and SCS:
- a. SB 375 requires that an MPO's Sustainable Communities Strategy identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region (Government Code Section 65080 (b)(2)(B)(iii).

SB 375 also requires that when an MPO adopts a final regional housing need allocation plan, that the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy (Government Code Section 65584.04 (i)(1).

SB 375 also requires that when an MPO adopts a final regional housing need allocation plan, that the resolution adopting the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy (Government Code Section 65584.04(i)(3).

Given the above statute requirements, at what geographic level will RHNA be adopted and applied to local jurisdictions to meet SCS consistency requirements? Is RHNA elevated from a city-wide/countywide number to a

parcel or site-specific level, and at sites that are so designated for residential use in the region's adopted SCS?

- b. Can a subregion elect to conduct an SCS/APS at a subregional level and not undertake delegation to conduct a subregional RHNA?

D. Conflict Resolution

1. Once a subregion submits a subregional SCS to SCAG, will SCAG accept the subregional SCS as submitted, or will SCAG be permitted to amend the SCS components, and if so, at what geographic level and for what reasons?
2. What is the process for affected subregions to contest SCAG's amendments? What is the dispute resolution process?
3. What is the liability of a subregion who may be faced with legal challenge from jurisdictions within its subregion who contest any SCAG amendments to a locally-submitted SCS, especially given the interface of RHNA with an SCS as described above?

E. Funding

1. How long is the anticipated process to develop and adopt an SCS at the regional and subregional levels? If SCAG is able to secure outside grant funding for regional or subregional SCS development, how much will be available to allocate to subregions for their roles in the development of both a regional and subregional SCS?
2. Should subregions institute time tracking processes to start tracking its time devoted to SB 375 and SCS development, for potential future reimbursement?
3. If state or federal grant funding is made available, can it be anticipated that any time or expenses that a subregion dedicates to SCS development, will not be eligible for reimbursement for any time that is prior to the Notice to Proceed date that is awarded by the grant agency?

G. Miscellaneous

1. SCAG staff support:

In any subregional development of a subregional SCS, will each applicable subregion have a SCAG point-person for consultation and feedback, in lieu of waiting for the next available P&P TAC or Subregional Coordinators meeting to address and discuss issues?

Will subregions have access to SCAG legal counsel services on any legal issues or questions in subregional SCS development, or should a subregion be prepared to secure its own legal services?

Draft Framework and Guidelines

Subject Areas

Subregional Process

- Subregional Targets
- Subregional Role -- Convener/Facilitator/Planning
- Workshop process
- SCAG's role in the Subregional Process:
 - ensures coordination, resolve conflicts, make sure that the overall plan complies with applicable legal requirements
 - Address intraregional land use, transportation, economic, air quality and climate policy relationships
 - Provide tools

Data and Information Sharing

Data Standards

Tools

Milestones/Schedule

Deliverables

Adoption Process

Public Participation/Outreach

Conflict Resolution

Flexibility (Elements of Strategy)